

## **REMARKS/ARGUMENTS**

### **I. Introduction:**

Claims 11, 25, and 47 are amended and claims 12, 26, and 48 are canceled herein. Claims 2-4, 17-19, 31, 36, and 41 were previously canceled. With entry of this Amendment, claims 1, 5-11, 13-16, 20-25, 27-30, 32-35, 37-40, 42-47, and 49-50 will be pending.

Applicants acknowledge the allowance of claims 7-10, 21-24, 30-39, and 44-46.

### **II. Claim Rejections - 35 U.S.C. 102 and 103:**

Claims 11, 14, 25, 28, 47, and 49 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,236,660 (Heur).

Claim 11 has been amended to incorporate claim 12, claim 25 has been amended to incorporate claim 26, and claim 47 has been amended to incorporate claim 48. Claims 14, 28, and 49, each depend respectively from claims 11, 25, and 47.

Claims 1, 12, 13, 15, 16, 26, 27, 29, 40, 48, and 50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Heur in view of U.S. Patent No. 6,282,193 (Hluchyj et al.).

Heur is directed to a method for transmitting data packets in a WAN by way of a SDH , wherein the data packets are packed into synchronous transport modules and are transmitted by way of virtual connections formed by subunits of synchronous transport modules of the same size.

Applicants first note that the Examiner has indicated that Heur does not teach identifying first and second network elements that support VT cross connections as set forth in independent claims 1, 16, and 40 (see, Office Action of March 29, 2005, pg. 5). This limitation is also not taught by Hluchyj et al. Accordingly, claims 1, 16, and 40, and the claims depending therefrom are submitted as nonobvious over Heur and Hluchyj et al.

In the Office Action of August 22, 2005, the Examiner has also indicated that Heur does not disclose wherein a VT circuit traverses one or more NE intermediate to a first and second NE, at least one of the intermediate NE having one of available VT cross connections that are not

utilized or no VT cross connection capability, as set forth in claims 1, 11, 13, 16, 25, 27, 40, and 47, as amended.

The Examiner further notes in the Office Action of August 22, 2005, that Heuer does not disclose an STS circuit dedicated for and used to route only VT circuits and represented as a single link between the first NE and the second NE in a VT network topology, as set forth in claims 15, 29, and 50.

Hluchyj et al. do not overcome the deficiencies of the primary reference, as set forth above. The Hluchyj et al. patent discloses an apparatus and method for remote access server. In rejecting the claims, the Examiner refers to col. 6, lines 18-38 of Hluchyj et al. This section of the patent describes how a packet protocol processor and management server provide dial-up Internet protocol support for user authentication and user service profile determination via protocols. Hluchyj et al. note that packet interfaces may include LAN, WAN, ATM, or SONET, and may support secure tunneling such as with Point-to-Point Tunneling Protocol (PPTP) or L2TP.

It is respectfully submitted that neither Heuer or Hluchyj et al., either alone or in combination, show or suggest routing a VT circuit between two NEs over an STS circuit connection, with the VT circuit traversing one or more NE intermediate to the first and second NEs and at least one of the intermediate NEs having VT cross connections that are not utilized or no VT cross connection capability.

Hluchyj et al. simply note that a packet interface may be at a synchronous optical network. There is no suggestion to route a VT circuit between two NE and traverse intermediate NEs which have no VT cross connection capability.

Accordingly, claims 1, 11, 25, 40, and 47, and the claims depending therefrom, are submitted as patentable over the prior art of record.

III. Conclusion:

For the foregoing reasons, Applicants believe that all of the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 399-5608.

Respectfully submitted,



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